

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL DUANE BENJAMIN,

Petitioner,

v.

B.G. COMPTON,

Respondent.

CASE NO. C05-1630TSZ-JPD

ORDER DISMISSING FEDERAL
HABEAS PETITION

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition and this action are DISMISSED without prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner and to Judge Donohue.

DATED this 18th day of January, 2006.


Thomas S. Zilly
United States District Judge

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